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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/702,939	05/20/91	CAMPANA	T 780.29643XU0

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HENDERSON & STURM
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ATTN: WILLIAM H. WRIGHT

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

EXAMINER
OEHLING, G

ART UNIT	PAPER NUMBER
2608	16

DATE MAILED: 05/03/94

This application has been examined Responsive to communication filed on 3-1-93 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- Notice of References Cited by Examiner, PTO-892.
- Notice re Patent Drawing, PTO-948.
- Notice of Art Cited by Applicant, PTO-1449.
- Notice of Informal Patent Application, Form PTO-152.
- Information on How to Effect Drawing Changes, PTO-1474.
- _____

Part II SUMMARY OF ACTION

1. Claims 1-85 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-85 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1. The Abstract of the Disclosure is objected to because the abstract is not to exceed 250 words in length. Correction is required. See M.P.E.P. § 608.01(b).

2. Claims 1-85 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider claim 1. In lines 5 and 14, applicant is requested to change "a gateway switch" and "an interface switch" to --the gateway switch-- and --the interface switch-- for clarity.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zabarsky et al.

Consider claim 1, Zabarsky et al. disclose an electronic mail system in figure 6 which transmits data messages from an originating processor (paging unit) to a destination processor (paging unit). The system comprises a paging executive (PEX 212) which stores the data messages prior to transmission of the message to the destination processor, and is a gateway switch (when integrated with the data packet switch (214) see col. 5,

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lines 34-38) which sends messages to remote paging sites (600) and (602). The PEX (212) is also an interface switch which connects the gateway switch to an RF transmission network (NCP and associated base transceivers), which transmits the data message to the destination processor.

Further, when an originating processor resides at paging site (100) and the destination processor resides at a remote paging site (600), the data message is transmitted to the address of a receiving interface switch, i.e. PEX of (600), by the PEX (212). Subsequent to PEX of (600) receiving the data message, the message is sent to the RF transmission network (NCP of 600) with an address of the destination processor which was supplied by the originating processor (see the bridge of cols. 13 and 14).

Consider claim 13. As shown in figure 10 of Zabarsky et al., an RF receiver is connectable to the destination processor wherein the message is stored, and further, the processors are capable of receiving and transmitting the data messages.

Consider claim 3, Zabarsky et al. teach that the RF receiver of the destination processor each have a unique identification number (address) to receive messages from the RF transmission network. Zabarsky et al. further teach a data packet switch (214) which temporarily stores the received messages and assembles the messages into a packet and transmits the packet to the RF transmission network of a remote paging site.

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Consider claim 4, Zabarsky et al. further disclose a switch (i.e. data packet switch of 600) which receives and disassembles the packet and sends the messages the RF transmission network for transmission to the destination processors.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 7, 9, 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Zabarsky et al.

Consider claims 7, 9, and 10. Although Zabarsky et al. teaches the transmission of data messages through the PSTN, they fail to teach transmission of messages without the use of the RF transmission network. However, it is well known in the art to substitute among different communication mediums (i.e. hardwire, radio, etc.), therefore, it would have been obvious to one of ordinary skill in the art to use soley hard-wire communication

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between an originating and a destination processor as a matter of design choice.

8. Claims 14-18, 24-33, 44-50, and 58-71 are rejected under 35 U.S.C. § 103 as being unpatentable over Zabarsky et al. in view of Andros et al.

Although not specifically disclosed by Zabarsky et al., it is fully disclosed by Andros et al. that the address or identification number of a receiving switch is added to the message being transmitted (see figure 3, items 66 and 78). Further, since the critical aspect of the invention is the route the data message to the destination processor, claiming the identification code is added at different points of the system lacks criticality. Therefore, it would have been obvious to one of ordinary skill in the art to add the identification code by the various switches lacking any criticality or showing by applicant.

In addition, specifically regarding claims 44, 46, 48-50, 58, 60, 62-65, 67, and 69-71, it is disclosed by Andros et al. (col. 16, lines 18-39) that an identification code is referenced in a switch memory and a corresponding address is added to the message to route the message to its final destination.

9. Claims 2, 5, 6, 8, 11, 12, 19-23, 34-43, 51-57 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

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10. Applicant's arguments with respect to claims 1-85 have been considered but are deemed to be moot in view of the new grounds of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Oehling whose telephone number is (703) 305-4835.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

TECHNICAL GROUP
EXAMINER
GROUP 2608

G.OEHLING/TC
April 19, 1994

CURTIS A. T.
SUPERVISORY PATENT EXAMINER
GROUP 2608